

469.6 Iowa power fund board.

1. An eighteen-member Iowa power fund board is created with the following membership:
 - a. The chairperson of the utilities board or the chairperson's designee.
 - b. The director of the department of economic development or the director's designee.
 - c. The director of the department of natural resources or the director's designee.
 - d. The secretary of agriculture or the secretary's designee.
 - e. Seven members appointed by the governor subject to confirmation by the senate. All appointees shall represent nonpublic organizations or businesses, or research institutions, and must demonstrate experience or expertise in one or more of the fields of renewable energy, renewable fuels, agribusiness, energy efficiency, greenhouse gas reductions, utility operations, research and development of new technologies, commercialization of new technologies, economic development, and finance.
 - f. Seven members serving in an ex officio, nonvoting capacity, appointed as follows:
 - (1) One member of the senate appointed by the majority leader of the senate.
 - (2) One member of the senate appointed by the minority leader of the senate.
 - (3) One member of the house of representatives appointed by the speaker of the house of representatives.
 - (4) One member of the house of representatives appointed by the minority leader of the house of representatives.
 - (5) One member representing the state board of regents appointed by the president of the state board of regents.
 - (6) One member representing the community colleges appointed by the executive director of the Iowa association of community college presidents.
 - (7) One member representing independent colleges and universities appointed by the president of the Iowa association of independent colleges and universities.
2. The members appointed by the governor shall be appointed for three-year staggered terms beginning and ending as provided in section 69.19. A vacancy on the board shall be filled for the unexpired term in the same manner as the original appointment was made.
3. The members of the board shall be reimbursed for actual and necessary travel and related expenses incurred in the discharge of official duties. Each member of the board may also be eligible to receive compensation as provided in section 7E.6. A legislative member is eligible for per diem and expenses as provided in section 2.10.
4. A majority of the voting members of the board constitutes a quorum, and a majority of the total voting membership of the board is necessary to act in any matter within the jurisdiction of the board.
5. The duties of the board include all of the following:
 - a. Consider and approve grants, loans, or investments and other financial incentives made from the fund.
 - b. Advise the director concerning strategic direction for the fund.
 - c. Provide the governor with advice concerning economic development, policy, technical issues, and strategic direction concerning renewable energy, renewable fuels, and energy efficiency.
 - d. Direct moneys from the fund to be used to purchase private or public technical assistance needed to conduct due diligence activities and to address all technical, financial, and management processes associated with applications to the extent not financed by the applicant. Such moneys shall also be used to research, develop, produce, and initiate implementation of the energy independence plan. Other than applicant financing, if agreed to by an applicant and the due diligence committee, an application fee shall not be imposed. Payments received in the form of applicant financing pursuant to this paragraph shall be deposited in the fund and utilized exclusively for the purposes for which the payments were received.
6.
 - a. In establishing guidelines, procedures, and policies for the awarding of financial assistance, the board shall give due regard to the confidentiality of certain information disclosed during the financial assistance application process and the contract administration process.
 - b. All information contained in an application for financial assistance submitted

to the board shall remain confidential while the board is reviewing the application, processing requests for confidentiality, negotiating with the applicant, and preparing the application for consideration by the board. The board may release certain information in an application for financial assistance to a third party for technical review. If the board releases such information to a third party, the board shall ensure that the third party protects such information from public disclosure. After the board has considered a request for confidentiality, any information not deemed confidential by the board shall be made publicly available. Any information deemed confidential by the board shall also be kept confidential by the office and board during and following administration of a contract executed pursuant to a successful application.

c. The board shall consider the written request of an applicant or award recipient to keep confidential certain details of an application, a contract, or the materials submitted in support of an application or a contract. If the request includes a sufficient explanation as to why the public disclosure of such details would give an unfair advantage to competitors, the board shall keep such details confidential. If the board elects to keep certain details confidential, the board shall release only the nonconfidential details in response to a request for records pursuant to chapter 22. If confidential details are withheld from a request for records pursuant to chapter 22, the board shall release an explanation of why the information was deemed confidential and a summary of the nature of the information withheld and the reasons for withholding it. In considering requests for confidential treatment, the board shall narrowly construe the provisions of this subsection in order to appropriately balance an applicant's need for confidentiality against the public's right to information about the board's activities.

d. If a request for confidentiality is denied by the board, an applicant may withdraw an application and any supporting materials, and the board shall not retain any copies of the application or supporting materials. Upon notice that an application has been withdrawn, the board shall not release a copy in response to a request for records pursuant to chapter 22.

e. The board shall adopt by rule a process for considering requests to keep information confidential pursuant to this subsection. The board may adopt emergency rules pursuant to chapter 17A to implement this subsection. The rules shall include criteria for guiding the board's decisions about the confidential treatment of applicant information. The criteria may include, but are not limited to the following:

- (1) The nature and extent of competition in the applicant's industry sector.
- (2) The likelihood of adverse financial impact to the applicant if the information were to be released.
- (3) The risk that the applicant would locate in another state if the request is denied.
- (4) Any other factor the board reasonably considers relevant.

2007 Acts, ch 168, §6, 18; 2008 Acts, ch 1144, §5, 6, 12, 13; 2009 Acts, ch 41, §141, 142

Confirmation, see §2.32